

REMARKS

In the November 3, 2004 Office Action, the Examiner noted that claims 1-6 were pending in the application and rejected claims 1-6 under 35 USC § 102(b) as anticipated by Gunjima et al. (Reference A in the December 8, 2003 Office Action). This rejection was identical to the rejection in the December 8, 2003 Office Action. Therefore, the following remarks primarily address the Response to Arguments in item 5 on pages 3-4 of the Office Action.

In the last full paragraph on page 3 of the Office Action, the Examiner cited *In re Thorpe*, 777 F2d 695, 698, 227 USPQ 964, 966 as support for the statement in MPEP 2113 that "the patentability of a product does not depend on its method of production." However, in *In re Thorpe*, "Thorpe ... [did] not assert that the product of his process ... [was] different from the product of the prior art." 227 USPQ 964, 966. That is not the situation in this case.

As noted in the Office Action, "once a product appearing to be substantially identical is found and a 35 U.S.C. 102/103 rejection made, the burden ... [shifts] to the Applicant to show an unobvious difference between the two" (Office Action, page 3, lines 15-17). The Request for Reconsideration filed June 8, 2004 responded to this burden by noting that column 12, lines 31-45 and Fig. 1 of Gunjima et al. contain "no form of the word 'rotate' ... in ... describing the prism array" (page 2, lines 21-22). All occurrences of any form of the word "rotate" that have been found in Gunjima et al. are discussed in the last paragraph on page 2 of the Request for Reconsideration. There was no rebuttal in the November 3, 2004 Office Action that these portions of Gunjima et al. fail to teach or suggest that the prism array 7 disclosed therein provides "a polarization rotating ability" as asserted by the Examiner. The only relevant comment in column 12, lines 31-45 of Gunjima et al. is that "it is possible to convert the light direction of the light emitted from the polarized light separator with the angle of emittance of substantially 60°, to the light direction having the direction perpendicular to the face of the liquid crystal display element" (column 12, lines 41-45). This does not meet the limitations recited in the last four lines of claim 1.

Thus, the burden has shifted back to the Examiner to show that the product taught by Gunjima et al. includes a light control sheet constructed "such that a maximum-intensity-direction of polarization involved by light emitted from said light guide plate is rotated toward a direction of a light transmission axis of said polarization plate by transmitting through the light control sheet" (claim 1, last four lines). Furthermore, it is submitted that any such ability that the product taught by Gunjima et al. would have must be equivalent to that produced as a result of "the resin material drawing process and a cutting-out process for choosing the particular portion" (claim 1,

lines 11-12). Unless the product taught by Gunjima et al. is able to perform as well as a product produced as recited in the claims, it is submitted that the claims patentably distinguish over Gunjima et al. Thus, to overcome the burden now faced by the Examiner, it must be shown that the prism array taught by Gunjima et al. inherently has the ability to rotate "a maximum-intensity-direction of polarization involved by light emitted from ... a light guide plate" like that identified by reference 3 in Fig. 1 of Gunjima et al. Nothing has been cited or found in Gunjima et al. that suggests this would be the case. Therefore, it is submitted that claim 1, claims 2 and 3 which recite similar limitations, as well as claims 4-6 which depend therefrom, patentably distinguish over Gunjima et al.

Summary

It is submitted that Gunjima et al. does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-6 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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